

Message Text

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PAGE 01 STATE 169309

15

ORIGIN ARA-20

INFO OCT-01 ADP-00 AID-20 AGR-20 L-03 EB-11 COME-00 TRSE-00

OMB-01 CIAE-00 INR-10 NSAE-00 RSC-01 IGA-02 DODE-00

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R 242144Z AUG 73

FM SECSTATE WASHDC

TO AMEMBASSY GEORGETOWN

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E.O. 11652: N/A

TAGS: EAID, ETRD, ECRP, CU, GY

SUBJ: GUYANA-CUBA TRADE--EFFECT ON PL 480 TITLE I SALES

REF: (A) STATE 192253; (B) GEORGETOWN 1256

1. SECTION 103(D)(3) OF PL 480 PROHIBITS THE CONCLUSION OF AGRICULTURAL COMMODITIES SALES AGREEMENTS UNDER TITLE I OF THE ACT WITH COUNTRIES WHICH SELL OR FURNISH MATERIALS OR COMMODITIES TO CUBA. THIS PROVISION HAS BEEN CONSISTENTLY INTERPRETED TO APPLY ONLY TO GOVERNMENTAL TRANSACTIONS WITH CUBA; THUS BONA FIDE SALES TO CUBA BY PRIVATE SECTOR WOULD NOT REPEAT WOULD NOT COME WITHIN 103(D)(3). SUCH SALES MUST BE AUTHENTIC, NOT REPEAT NOT FACADE FOR STATE OPERATION FOR PURPOSE OF AVOIDING APPLICATION OF U.S. LEGISLATION. WAIVER PROVISION EXISTS AS DESCRIBED PARA 3 REFTEL A, ALTHOUGH VERY SELDOM USED.

2. OVER PAST YEAR, BOTH DEPT AND EMBASSY HAVE TAKEN GREAT CARE REPEATEDLY TO APPRISE GOG OF APPLICABLE PROVISIONS OF U.S. LAW REGARDING GUYANESE TRADE WITH CUBA.

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PAGE 02 STATE 169309

WE WOULD BE SURPRISED IF THERE EXISTS ANY AMBIGUITY IN GOG

ON U.S. POSITION AND/OR LEGISLATION. AS EMBASSY NOTES IN
REFTEL B, GOG HAS NOT REQUESTED TITLE I AGREEMENT FOR
CURRENT FISCAL YEAR, PROBABLY BECAUSE OF GOG AWARENESS OF
U.S. SANCTIONS AND BECAUSE GOG CONSIDERS ITS TRADE AGREE-
MENT WITH CUBA TO BE OF A HIGHER PRIORITY THAN THE MODEST
TITLE I PROGRAM WHICH GUYANA HAD IN THE PAST. RUSH

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